

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK ASKEW,)	
)	
Plaintiff)	
)	
v.)	
)	
R.L. REPPERT, INC.,)	
RICHARD L. REPPERT,)	
TIMOTHY J. REPPERT,)	
R.L. REPPERT, INC. EMPLOYEES)	
PROFIT SHARING 401(k) PLAN,)	
R.L. REPPERT, INC. MONEY)	
PURCHASE PLAN (DAVIS BACON PLAN),)	Civil Action
R.L. REPPERT, INC. MEDICAL PLAN, and)	No. 11-cv-04003
R.L. REPPERT, INC. HRA MEDICAL)	
EXPENSE REIMBURSEMENT PLAN,)	
)	
Defendants and)	
Third-Party Plaintiffs)	
)	
v.)	
)	
CALIFORNIA PENSION ADMINISTRATORS)	
& CONSULTANTS, INC., and)	
KISTLER TIFFANY BENEFITS CORP.,)	
)	
Third-Party Defendants)	

O R D E R

NOW, this 28th day of September, 2012, upon
consideration of the following:

- (1) Kistler Tiffany Benefits Corp.'s Motion to Dismiss or, Alternatively, Motion for a More Definite Statement, filed November 14, 2011 (Document 34) ("Kistler Tiffany Motion to Dismiss"), together with
 - (a) Brief in Support of Kistler Tiffany Benefits Corp.'s Motion to Dismiss or, Alternatively, Motion for a More Definite Statement (Document 35);

- (2) Response of Reppert to the Motion to Dismiss by Third Party Defendant Kistler Tiffany Benefits Corp., filed November 28, 2011 (Document 37);
- (3) Motion of Third Party Defendant California Pension Administrators & Consultants, Inc. Pursuant to F.R.C.P. 12(b)(6) to Dismiss the Third Party Complaint as to California Pension Administrators & Consultants, Inc., filed November 18, 2011 (Document 36) ("CalPAC Motion to Dismiss"), together with
 - (a) Memorandum of Law in Support of Motion of Third Party Defendant California Pension Administrators & Consultants, Inc. Pursuant to F.R.C.P. 12(b)(6) to Dismiss the Third Party Complaint as to California Pension Administrators & Consultants, Inc. (Document 36);
- (4) Response of Reppert to the Motion to Dismiss by Third Party Defendant CALPAC, filed December 2, 2011 (Document 39);
- (5) Third Party Complaint, filed September 15, 2011 (Document 18), together with
 - (a) Exhibit A, Class Action Complaint, filed June 17, 2011 (Document 18);

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that the Kistler Tiffany Motion to Dismiss is granted.

IT IS FURTHER ORDERED that the Third Party Complaint filed September 15, 2011 by third-party plaintiffs against third-party defendant Kistler Tiffany Benefits Corp. is dismissed without prejudice for third-party plaintiffs to file an amended third party complaint in accordance with the accompanying Opinion.

IT IS FURTHER ORDERED that the CalPAC Motion to Dismiss is granted.

IT IS FURTHER ORDERED that the Third Party Complaint filed September 15, 2011 by third-party plaintiffs against third-party defendant California Pension Administrators & Consultants, Inc. is dismissed without prejudice for third-party plaintiffs to file an amended third party complaint in accordance with the accompanying Opinion.

IT IS FURTHER ORDERED that the Third Party Complaint is dismissed without prejudice for third-party plaintiffs to file an amended third-party complaint in accordance with this Order and accompanying Opinion.

IT IS FURTHER ORDERED that third-party plaintiffs shall have until October 29, 2012 to file an amended third-party complaint in accordance with this Order and accompanying Opinion.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge